

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,**

**Plaintiff,**

**Civil Action No. 3:17-01362**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**AND**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**Civil Action No. 3:17-01665**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**AFFIDAVIT OF WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN  
RESOURCES, BUREAU FOR BEHAVIORAL HEALTH  
COMMISSIONER CHRISTINA MULLINS**

**STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, to-wit:**

I, Christina Mullins, being first duly sworn do depose and say as follows:

1. As Commissioner of the West Virginia Department of Health & Human Resources, Bureau for Behavioral Health ("BBH"), I submit this affidavit in support of "Non-Party West Virginia Department of Health & Human Resources, Bureau for Behavioral Health's Motion to Quash Defendant AmerisourceBergen Drug Corporation's

Subpoena to Produce Documents and Subpoena to Testify at a Deposition in a Civil Action."

2. I am fully aware of the facts set forth herein.
3. In or around September 2018, I was appointed as Commissioner of BBH.
4. In May 2020, BBH had 69 budgeted employee positions, 61 employee positions are filled and 8 positions are vacant.
  4. Due to the COVID-19 pandemic, beginning March 19, 2020, BBH employees have engaged in telework with very few employees working in the office.
  5. As of May 18, 2020, most BBH employees are still teleworking and are not regularly reporting to the office.
  6. On May 4, 2020, the "Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action" (referred to herein as "Document Subpoena" and Exhibit A to Motion to Quash) and the "Subpoena to Testify at a Deposition in a Civil Action," referred to collectively herein as "Subpoenas" were served upon BBH through the Office of the West Virginia Secretary of State.
  7. Essentially, the Subpoenas, as written request virtually every document and email BBH has produced or received since 2006 and seeks testimony on all documents BBH has produced or received since 1996.
  8. Many of the emails requested would be archived or autodeleted.
  9. Each document would need to be evaluated for privileged or protected information and reacted.
  10. Some documents requested are only available as a hardcopy and the location of which is currently unknown.

11. Some documents requested are freely available on the internet.
12. Some of the links included on the subpoenas to documents are invalid.
13. I estimate that it would take several months to compile and review the documents requested in the subpoenas.
14. I may not be able to testify about areas that predate my tenure as Commissioner of BBH.

FURTHER, YOUR AFFIANT SAITH NAUGHT.



Christina Mullins, Commissioner  
West Virginia Department of Health &  
Human Resources, Bureau for  
Behavioral Health

State of West Virginia

County of Kanawha

Signed and sworn to before me on this 18<sup>th</sup> day of May 2020 by Christina Mullins,  
Commissioner of the West Virginia Department of Health and Human Resources, Bureau  
for Behavioral Health.



My Commission Expires: 6/21/21